

**Call to Order:**

The meeting was called to order at 7:36 p.m. Present were Chair, Joan Duff, and members Mark Yanowitz, Linn Anderson, John McDonnell and associate member Jay Doherty; also present was Paul Materazzo, Director of Planner.

**Solar Farm (1350 & 1350R South Street):**

The Board opened the public hearing that was continued from the June 28<sup>th</sup> meeting on an application by SunGen Mark Andover, LLC on property owned by JW South Street Realty Trust for a Special Permit for a Major Non-Residential Project that would allow for the installation and operation of a 4 Mega Watt solar farm facility located at 130 & 1350R South Street. Attorney Mark Johnson, representing the applicant, gave a recap of the proposed project which included a permit from Natural Heritage, Form A plan, and a conservation restriction. Ms. Anderson asked if the applicant could show on the plan what portion of the land would be conveyed to AVIS and if it's not conveyed to AVIS what would the applicant do with the land. Attorney Johnson noted the land would be subject to the conservation restriction. Mr. Materazzo reviewed the meeting of June 12<sup>th</sup> and noted the Board kept the meeting open so the Board members could visit a solar farm site in Newburyport. Ms. Anderson reviewed pictures she took at the solar farm site in Newburyport. Mark Randall representing SunGen noted that the solar panels would not be as large as the pictures and reviewed the buffering around the site. Mr. Doherty questioned who would provide public safety for the site. Mr. Materazzo noted that the Town of Andover would provide first response, with the Town of Tewksbury providing mutual aid when necessary. Mr. Yanowitz questioned what security measures they will take. Mr. Randall noted a 6' fence would be installed with gated access, he also reviewed the landscape plan submitted to MASSDOT. Mr. Materazzo asked if they cannot obtain an easement from MASSDOT what would the applicant do. Mr. Randall noted they would scale back the project. Mr. Inoue reviewed the life of a solar farm and noted as part of the approval in Sharon, Vermont an escrow account was set up to disassemble and/or replace the solar panels if it becomes inactive. Some Board members expressed concerns regarding the Form A and the size of the parcel. Attorney Johnson noted that what is proposed before the Board is the maximum they can get on site if they can't get the off-site improvements the size of the project will decrease. Attorney Johnson noted they could have separated the site before coming to the Board however he wanted to show the Board the whole parcel and their intent for that parcel. Mr. Randall reviewed the setbacks and reviewed the variance requested to the Zoning Board of Appeals (ZBA). Ms. Castiglia of 51 Fieldstone Circle, a Tewksbury abutter, noted that she received notice from the ZBA but she was not notified of the Planning Board meeting and this is the first time she had heard about the project. Ms. Castiglia expressed concerns regarding drainage, tree removal, sound, and flooding. The Board discussed drainage, sheet 1 of 6, the circular dirt path, solar glare, the limit of clearing and noted at the ZBA hearing the applicant stated it would be an 8' fence. Mr. Materazzo reviewed the file and noted Ms. Castiglia's address was on the Proof of Mailing which was stamped as received on May 27, 2001 by the Post Office. Mr. Inoue gave an overview of the proposed project including the tree removal, sound from I-93, and reviewed how and why he started the company SunGen. Mr. Materazzo reviewed the permitting process for Planning, Conservation and the Zoning Board of Appeals. Ms. Anderson reviewed the zoning by-law and what types of businesses are allowed by right. She noted this type of use is the most compatible for the site. Ms. Driscoll representing Conservation Commission noted that they are interested in having the open space open to all and to be conveyed to AVIS in fee. Attorney Johnson noted that the applicant will discuss the public access with the

**Solar Farm (1350 & 1350R South Street) (cont.):**

Conservation Commission at their next meeting, and stated that they have satisfied National Heritage requirements. Mr. Materazzo noted that both Tewksbury and Wilmington were notified and invited to the IDR.

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to close the public hearing on an application by SunGen Mark Andover, LLC on property owned by JW South Street Realty Trust for a Special Permit for a Major Non-Residential Project located at 1350 & 1350R South Street **Vote:** Unanimous (5-0)

**Solar Farm (1350 & 1350R South Street):**

The Board took up the deliberations on an application by SunGen Mark Andover, LLC on property owned by JW South Street Realty Trust for a Special Permit for a Major Non-Residential Project that would allow for the installation and operation of a 4 Mega Watt solar farm facility located at 130 & 1350R South Street. Mr. Materazzo reviewed the draft recommendation with 22 conditions dated July 12, 2011. Ms. Anderson questioned if the Town of Tewksbury should review the conditions prior to the Board voting. Mr. Materazzo noted that the Town of Tewksbury thought it was a good use for the area and had no concerns. The Board reviewed the draft conditions dated July 12, 2011. Following a detailed discussion of the draft conditions and on a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to reopen the continued public hearing on an application by SunGen Mark Andover, LLC on property owned by JW South Street Realty Trust for a Special Permit for a Major Non-Residential Project located at 130 & 1350R South Street for the purpose of clarifying the intent of the Conservation Restriction in condition # 23 and public access over that land. **Vote:** Unanimous (5-0)

Mr. Randall noted that if they wanted to build a roadway for public pedestrian access permission from National Heritage would have to be obtained. The Board discussed the conservation restriction and the intent of condition # 23; and on a motion by Ms. Anderson seconded by Mr. McDonnell the board voted to close the public hearing on an application by SunGen Mark Andover, LLC on property owned by JW South Street Realty Trust for a Special Permit for a Major Non-Residential Project located at 130 & 1350R South Street.

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the application by SunGen Mark Andover, LLC on property owned by JW South Street Realty Trust for a Special Permit for a Major Non-Residential Project that would allow for the installation and operation of a 4 Mega Watt solar farm facility located at 130 & 1350R South Street subject to the 23 conditions that were amended at the July 12, 2011 meeting;

Condition # 23 second sentence shall read: Said restriction shall provide for public pedestrian access over such land to the extent allowed by the Mass Division of Fisheries & Wildlife.

**Vote:** Unanimous (5-0)

**Minutes:**

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the minutes for May 10, 2011 as amended. **Vote:** Unanimous (5-0)

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board vote to approve the minutes for May 24, 2011 as amended by Ms. Duff. **Vote:** Unanimous (5-0)

**Adjournment:** The meeting was adjourned 9:24 p.m.